

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:)	CHAPTER 13
)	
ROCKY MARTIN PERRY,)	CASE NO. 07-61340
)	
Debtor.)	JUDGE RUSS KENDIG
)	
)	
)	MEMORANDUM OF OPINION ON
)	OBJECTION TO CONFIRMATION
)	

This matter is before the court on creditor GMAC's Objection to Confirmation of Chapter 13 Amended Plan, filed October 18, 2007. The court held a hearing on November 14, 2007, and GMAC submitted a supplemental brief on November 20, 2007. GMAC requests that this court hold in abeyance its ruling on the Objection to Confirmation until after the Sixth Circuit has issued its decision in *In re Long*, Court of Appeals Docket No. #06-6252, in which oral argument was heard on October 23, 2007.

The court acknowledges that it is possible that the Sixth Circuit could produce a ruling in that case with substantial implications in this one. However, were this court to hold its ruling in this case in abeyance indefinitely on this and similar objections that might be brought in other cases in the interim, the delay would be uncertain and possibly substantial. Many cases in this court involve overencumbered vehicles which debtors propose to surrender in full satisfaction of debts owed upon them. It is unclear when the Sixth Circuit will render its decision in the aforementioned case, nor is it clear that that would be the end of that litigation. The court cannot simply hold an indeterminate number of cases in limbo for an indefinite amount of time while that case works its way through the appellate process.

Accordingly, GMAC's Objection to Confirmation is denied.

An order in accordance with this opinion will be issued contemporaneously.

/s/ Russ Kendig NOV 30 2007
RUSS KENDIG
U.S. BANKRUPTCY JUDGE

Service List:

Rocky Martin Perry
979 Fairfax Avenue
Mansfield, OH 44906

Toby L Rosen
400 W Tuscarawas St
Charter One Bank Bldg
4th Floor
Canton, OH 44702

Thomas J Budd, II
128 Church St
Ashland, OH 44805-2105
(419) 289-2220